

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSHUA HU, *et al.*,

Plaintiffs,

v.

BMW OF NORTH AMERICA LLC,
et al.,

Defendants.

Civil Action No. 18-4363 (KM)(JBC)

STIPULATION AND [PROPOSED] ORDER

WHEREAS, the Parties submitted a joint discovery plan pursuant to Federal Rule of Civil Procedure 26(f) and the Local Rules of the U.S. District Court for the District of New Jersey on September 7, 2021;

WHEREAS, this Court issued a pretrial scheduling order on September 16, 2021 (ECF No. 143) (the “Scheduling Order”) following a scheduling conference on September 14, 2021;

WHEREAS, the Scheduling Order set December 17, 2021 as the date any unresolved discovery disputes were to be brought before the Court (ECF No. 143 at ¶8);

WHEREAS, the Court subsequently approved a Stipulation and Proposed Order submitted by the Parties clarifying that the December 17, 2021 deadline for bringing unresolved discovery disputes before the Court applied only to discovery

served before October 15, 2021, with the deadline to submit disputes related to subsequent discovery requests to be determined at a later date (ECF No. 147);

WHEREAS, the Scheduling Order set the next status conference for January 12, 2022 (ECF No. 143 at ¶11);

WHEREAS, the Parties are actively conferring regarding discovery disputes related to discovery served before October 15, 2021;

WHEREAS, the Parties believe that a minor extension to the December 17, 2021 deadline for the submission of discovery disputes would facilitate the resolution of continuing disputes, and limit the number of disputes requiring Court intervention;

WHEREAS, the Parties jointly seek to amend the Scheduling Order to allow three additional days for the submission of unresolved discovery disputes, and set December 20, 2021 as the deadline for the submission of discovery disputes related to discovery served before October 15, 2021, with the deadline to submit disputes related to discovery requests served on or after October 15, 2021 to be determined at a later date;

WHEREAS, replies to Monday, December 20, 2021 discovery dispute submissions would be due on Wednesday, December 22, 2021;

IT IS HEREBY STIPULATED AND AGREED by and between the Parties below that the deadline for submission of unresolved discovery disputes

related to discovery served before October 15, 2021 be extended to December 20, 2021, with the deadline to submit disputes related to discovery requests served on or after October 15, 2021 to be determined at a later date.

SO ORDERED.

Dated: _____

HON. JAMES B. CLARK, III
United States Magistrate Judge

SO STIPULATED

Dated: December 9, 2021

By: /s/ James E. Cecchi
James E. Cecchi
Caroline F. Bartlett
Michael A. Innes
Donald A. Ecklund
CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068
Telephone: (973) 994-1700
Facsimile: (973) 994-1744
jcecchi@carellabyrne.com

Steve W. Berman
HAGENS BERMAN SOBOL
SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0694

Christopher A. Seeger
Christopher L. Ayers
Jennifer R. Scullion
SEEGER WEISS LLP
55 Challenger Road
Ridgefield Park, NJ 07660

Telephone: (212) 584-0700
Facsimile: (212) 584-0799
cseeger@seegerweiss.com
cayers@seegerweiss.com
jscullion@seegerweiss.com

Scott A. George
SEEGER WEISS LLP
550 Broad Street, Suite 920
Newark, NJ 07102
Telephone: (973) 639-9100
Facsimile: (973) 639-9393
sgeorge@seegerweiss.com

Shauna Brie Itri
SEEGER WEISS LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: (215) 553-7981
Facsimile: (215) 851-8029
sitri@seegerweiss.com

Attorneys for Plaintiffs and the Proposed Class

Dated: December 9, 2021

By: /s/ Johanna Spellman
Michael Lacovara (admitted *pro hac vice*)
Kevin M. McDonough
Marc S. Werner (admitted *pro hac vice*)
Elizabeth Parvis (admitted *pro hac vice*)
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
michael.lacovara@lw.com
kevin.mcdonough@lw.com
marc.werner@lw.com
elizabeth.parvis@lw.com

Arthur F. Foerster (admitted *pro hac vice*)
Johanna Spellman (admitted *pro hac vice*)
Kevin M. Jakopchek (admitted *pro hac vice*)
LATHAM & WATKINS LLP
330 N. Wabash Avenue, Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
arthur.foerster@lw.com
johanna.spellman@lw.com
kevin.jakopchek@lw.com

*Attorneys for Defendants Bayerische
Motoren Werke Aktiengesellschaft and
BMW of North America LLC*

Dated: December 9, 2021

By: /s/ Jeffrey A. Rosenthal
Jeffrey A. Rosenthal
Lina Bensman (admitted *pro hac vice*)
CLEARY GOTTlieb STEEN &
HAMILTON LLP
One Liberty Plaza
New York, NY 10006
Tel.: (212) 225-2000
Fax: (212) 225-2086
jrosenthal@cgsh.com
lbensman@cgsh.com

Michael D. Critchley
Amy Danielle Luria
CRITCHLEY, KINUM & LURIA, LLC
75 Livingston Avenue
Suite 303
Roseland, NJ 07068
(973) 422-9200
973-422-9700 (fax)
mcritchley@critchleylaw.com
aluria@critchleylaw.com

Counsel for Defendant Robert Bosch LLC